

DETAILED ACTION

Response to Arguments

1. Applicant's arguments, see remarks, filed 04/20/2012, with respect to the rejection of the claims under 35 U.S.C. 103(a) and the rejection of claims 14-20 and 21-24 under 35 U.S.C. 101 have been fully considered and are persuasive. Therefore the rejections have been withdrawn.
2. Applicant's arguments regarding the rejection of claim 12 under 35 U.S.C. 101 have been fully considered but they are not persuasive. Applicant interprets a transmitter as hardware however does not provide any evidence as to the fact. A transmitter can be interpreted as merely software without any clear indication in the claim. Therefore the rejection is maintained as below.

Claim Objections

3. Claims 1, 12, 21, 22, 26, and 27 are objected to because of the following informalities: The claims recite, "an SMIL format", which should be corrected to read as "a synchronized multimedia integration language (SMIL) format". Appropriate correction is required.

Claim Rejections - 35 USC § 101

4. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

5. Claims 12 and 27 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.
6. Claim 12 recites an apparatus comprising functional blocks which may be interpreted by one of ordinary skill in the art to mean merely software modules. Thus, the claim is not limited to statutory embodiment. For a claim to be qualified as a machine, as in the four categories of invention, the claimed apparatus should clearly define at least one hardware component in order to fall within the meaning of a machine.
7. Claim 27 is held to claim an abstract idea based upon consideration of all of the relevant factors with respect to the claim as a whole and is therefore rejected as ineligible subject matter under 35 U.S.C. 101. The rationale for this finding is that none of the steps are performed by a machine.

Allowable Subject Matter

8. Claims 1, 3, 6-12, 14 and 16-33 are allowed over the prior art of record however some are objected to and rejected as above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ranodhi Serrao whose telephone number is (571)272-7967. The examiner can normally be reached on 8:00-4:30pm, M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter-Anthony Pappas can be reached on (571)272-7646. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Ranodhi N Serrao/

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